

THE SCHER LAW FIRM, LLP

600 OLD COUNTRY ROAD, SUITE 440  
GARDEN CITY, NY 11530

MARTIN H. SCHER\*

JONATHAN L. SCHER\*\*

AUSTIN R. GRAFF\*

TEL: 516-746-5040

FAX: 516-746-5043

W. SCOTT KERSHAW  
COUNSEL

MICHAEL SCHILLINGER  
COUNSEL

ROLAND P. BRINT  
COUNSEL

ADAM GANG  
COUNSEL

ROBERT S. NAYBERG  
(1959-2012)

\* Also Admitted in District of Columbia

\* Also Admitted in New Jersey

November 14, 2023

**BY ECF**

Hon. Lois Bloom, U.S.M.J.  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Cutchin, et al v. Howard, et al.*  
E.D.N.Y. Docket No. 21-cv-3162 (KAM)(LB)

Dear Magistrate Judge Bloom:

This law firm represents the Defendants in the above-referenced Action. This letter has been reviewed and consented to by Plaintiffs' counsel.

On November 1, 2023, the Plaintiffs produced its report on damages in this Action. The Defendants and their counsel have reviewed the report and have had several discussions about the contents and findings of the report. Thereafter, the Plaintiffs' counsel and the Defendants' counsel discussed the report and its contents.

The parties have had fruitful discussions regarding settlement since November 1, 2023 and need additional time to have further discussions and to try and address certain issues that need to be addressed to settle this matter.

The November 1, 2023 release of the Plaintiffs' report has helped move settlement closer than the parties have been in the past, which, the parties believe is a positive step towards resolution.

Thank you for your courtesies in this matter.

Respectfully submitted,

THE SCHER LAW FIRM, LLP

Austin Graff

ARG:ms

cc: Counsel of Record (by ECF)

H:\Call-A-Head\Litigation\Cutchin v. Howard - FLSA\Settlement\November 2023 letter to Court re update on settlement discussions.docx